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Eingang bei ZPL

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Zeichen/Ref./Réf.

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Anmeldung Nr./Application No./Demande n°/Patent Nr./Patent No./Brevet n°.

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Anmelder/Applicant/Demandeur/Patentinhaber/Proprietor/Titulaire
ALCATEL

COMMUNICATION

The European Patent Office herewith transmits as an enclosure the European search report for the above-mentioned European patent application.

If applicable, copies of the documents cited in the European search report are attached.

☐ Additional set(s) of copies of the documents cited in the European search report is (are) enclosed as well.

The following specifications given by the applicant have been approved by the Search Division:

☒ abstract

☐ title

☐ The abstract was modified by the Search Division and the definitive text is attached to this communication.

The following figure will be published together with the abstract:

1

REFUND OF THE SEARCH FEE

If applicable under Article 10 Rules relating to fees, a separate communication from the Receiving Section on the refund of the search fee will be sent later.





DOCUMENTS CONSIDERED TO BE RELEVANT			
Category	Citation of document with indication, where appropriate, of relevant passages	Relevant to claim	CLASSIFICATION OF THE APPLICATION (Int.CI.7)
A	EP 0 696 111 A (NIPPON TELEGRAPH & TELEPHONE) 7 February 1996 (1996-02-07) * abstract; figures 1,2 *	1-7	H04B1/74
A	EP 1 261 157 A (NORTEL NETWORKS LTD) 27 November 2002 (2002-11-27) * abstract; figure 2 *	1-7	
A	DE 42 38 410 A (SIEMENS AG) 19 May 1994 (1994-05-19) * column 2, line 11 - line 24 *	1-7	
A	DE 39 29 793 A (SIEMENS AG) 21 March 1991 (1991-03-21) * abstract; figure 1 * * column 1, line 45 - line 50 * * column 2, line 3 - line 6 * * column 3, line 15 - line 35 *	1-7	
			TECHNICAL FIELDS SEARCHED (Int.CI.7)
			H04B H04L
The present search report has been drawn up for all claims			
Place of search MUNICH		Date of completion of the search 2 September 2003	Examiner Bauer, F
CATEGORY OF CITED DOCUMENTS			
X : particularly relevant if taken alone Y : particularly relevant if combined with another document of the same category A : technological background O : non-written disclosure P : intermediate document		T : theory or principle underlying the invention E : earlier patent document, but published on, or after the filing date D : document cited in the application L : document cited for other reasons & : member of the same patent family, corresponding document	

**ANNEX TO THE EUROPEAN SEARCH REPORT
ON EUROPEAN PATENT APPLICATION NO.**

EP 03 29 0911

This annex lists the patent family members relating to the patent documents cited in the above-mentioned European search report. The members are as contained in the European Patent Office EDP file on
The European Patent Office is in no way liable for these particulars which are merely given for the purpose of information.

02-09-2003

Patent document cited in search report		Publication date	Patent family member(s)	Publication date
EP 0696111	A	07-02-1996	EP 0696111 A2	07-02-1996
			JP 2874112 B2	24-03-1999
			JP 9036826 A	07-02-1997
			US 5631896 A	20-05-1997
EP 1261157	A	27-11-2002	US 2002176432 A1	28-11-2002
			CA 2387214 A1	22-11-2002
			EP 1261157 A2	27-11-2002
			US 2002176356 A1	28-11-2002
DE 4238410	A	19-05-1994	DE 4238410 A1	19-05-1994
			AT 174170 T	15-12-1998
			DE 59309178 D1	14-01-1999
			DK 590412 T3	16-08-1999
			EP 0590412 A1	06-04-1994
			ES 2125936 T3	16-03-1999
			FI 934235 A	29-03-1994
			NO 933457 A	29-03-1994
DE 3929793	A	21-03-1991	DE 3929793 A1	21-03-1991



This application is covered by the extended European search report pilot project at present running within the European Patent Office, applied to all European patent applications filed as first filing and searched on or after 01.07.03. Under this project the EPO issues together with the search report an opinion on whether the application and the invention to which it relates meet the requirements of the EPC. This non-binding opinion is issued free of charge as a service. This opinion may be used as the basis for an informed decision as to whether it is desired to pursue the application further or not.

For further details of this pilot project, the applicant's attention is directed to the Official Journal edition 5/2003. If any further immediate questions or comments arise the EPO Customer Services: +31-70-340 4500 or +49-89-2399 2828 can be contacted.

The attached opinion reveals that the application or the invention to which it relates appear not to meet the requirements of the Convention (see comments on enclosed Form 2906).

If the applicant wishes to continue with this application the examination fee must be paid. Where appropriate amendments can be filed to address the objections raised in the opinion, thus shortening the overall procedure. If no amendments are filed, the opinion will be re-issued as the first official communication under Article 96(2) and Rule 51(2) EPC.

If the examination fee has already been paid and the right to the communication under Article 96(1) EPC has been waived for this application, the first official communication under Article 96(2) and Rule 51(2) EPC will be issued promptly.



The examination is being carried out on the **following application documents**:

Text for the Contracting States:

AT BE BG CH CY CZ DE DK EE ES FI FR GB GR HU IE IT LU MC NL PT RO SE SI SK TR LI

Description, pages:

1-8 as originally filed

Claims, No.:

1-7 as originally filed

Drawings, sheets:

1/2-2/2 as originally filed

1. Reference is made to the following documents:

D1: EP-A-0 696 111

D2: EP-A-1 261 157

D3: DE 42 38 410 A

D4: DE 39 29 793 A

2. Although claims 1-7 appear to meet the requirements of Article 52(1) EPC with respect to the available prior art (D1 - D4), amendment is required to overcome the objections below.

3. The subject-matter of **claim 6** refers to a selection circuit comprising a selector and first and second transition monitors. However, reference is further made to a network element and to first and second redundant signal paths, which are not part of the claimed circuit.

This leads to a lack of clarity of claim 6 (Art. 84 EPC).



This objection could for example be overcome by claiming a selection circuit **"adapted to be used in"** a network element (claim 6, page 10, line 10) , with transition monitors **"adapted to be"** coupled to the first and second signal paths (claim 6, page 10, line 14).

4. a) D1 (abstract and fig. 1 and 2) discloses all the subject-matter of independent claims 1, 6 and 7, except for the fact that the monitors check for bit transitions in the application, whereas they check for bit errors in D1.
D2 (abstract and fig. 2) discloses as well an arrangement with all these features.

b) The claims should therefore be written in the **two-part form**, with the preamble based on the nearest prior art document (presently considered to be D1), in order to fulfill Rule 29(1) EPC.
5. a) To meet the requirements of Rule 27(1)(b) EPC, the documents D1 to D4 should be identified in the description and the relevant background art disclosed therein should be briefly discussed.

b) The applicant should also indicate in the letter of reply the difference of the subject-matter of the new claim vis-à-vis the state of the art (D1 to D4) and the significance thereof.

c) In order to facilitate the examination of the conformity of the amended application with the requirements of Article 123(2) EPC, the applicant is requested to clearly identify the amendments carried out, irrespective of whether they concern amendments by addition, replacement or deletion, and to indicate the passages of the application as filed on which these amendments are based. If the applicant regards it as appropriate these indications could be submitted in handwritten form on a copy of the relevant parts of the application as filed.